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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Julio Cesar Diaz-Valenzuela

Defendant.

10 No. 08-6233M
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**ORDER EXTENDING TIME TO
INDICT**

(First Request)

14
15 HAVING considered Defendant Eddifonso Galvez-Cifuentes' Motion to
16 Extend Time to Indict and good cause having been shown;

17 THE COURT makes the following findings:

- 18 1. Counsel for defendant has only recently been appointed;
19 2. The defendant earnestly wishes to consider the plea offer extended by
20 the government;
21 3. The defendant wishes to investigate possible defenses prior to
22 considering the government's plea offer;
23 4. The government's plea offer, if accepted by the defendant and then the
24 court, would likely reduce defendant's exposure to a significant term
25 of imprisonment;

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5. If the defendant does not timely accept the plea offer prior to indictment, the government will withdraw said plea offer and any subsequent plea offer after indictment would likely be less advantageous to the defendant;
 6. Failure to extend time for indictment in this instance would thus operate to bar defendant from reviewing the government's plea offer in a meaningful way prior to indictment; and
 7. The ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy indictment.

10 The Court therefore concludes that the ends of justice are best served by granting an
11 extension of time to present the case to the grand jury and in excluding a period of thirty (30)
12 days under the Speedy Trial Act. In making this determination, the Court has particularly
13 taken into account that the failure to grant the Defendant's request "would deny counsel for
14 the defendant . . . the reasonable time necessary for effective preparation, taking into account
15 the exercise of due diligence." 18 U.S.C. § 3161(h)(8)(B)(iv).

16 **IT IS HEREBY ORDERED** that defendant's Motion to Extend Time for Indictment
17 requesting an extension of thirty (30) days within the government may seek to indict
18 defendant, is hereby granted.

19 **IT IS FURTHER ORDERED** that pursuant to the Speedy Trial Act, 18 U.S.C. §
20 3161, the Government shall have an extension of thirty (30) days to file a timely Indictment.
21 Excludable time shall begin to run on the 31st day after arrest for a period of thirty (30) days
22 in which the Government may present the case to the grand jury.

23 DATED this 22nd day of August, 2008.

Lawrence O. Anderson
Lawrence O. Anderson
United States Magistrate Judge